

to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding. (Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

§ 1093. Definitions

As used in this chapter—

(1) the term “children” means the plural and means individuals who have not attained the age of eighteen years;

(2) the term “ethnic group” means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term “incites” means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term “members” means the plural;

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term “racial group” means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term “religious group” means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term “substantial part” means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

CHAPTER 51—HOMICIDE

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AMENDMENTS

1994—Pub. L. 103-322, title VI, §§ 60005(b), 60009(b)(2), 60012(b), 60015(b), Sept. 13, 1994, 108 Stat. 1970, 1972-1974, added items 1118 to 1121.

1976—Pub. L. 94-467, §3, Oct. 8, 1976, 90 Stat. 1998, substituted “official guests, or internationally protected persons” for “or official guests” in item 1116.

¹ So in original. Two sections 1118 have been enacted.

² Editorially supplied. Section added by Pub. L. 103-333 without corresponding amendment of chapter analysis.

1972—Pub. L. 92-539, title I, §102, Oct. 24, 1972, 86 Stat. 1071, added items 1116 and 1117.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of murder, see section 2516 of this title.

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(June 25, 1948, ch. 645, 62 Stat. 756; Oct. 12, 1984, Pub. L. 98-473, title II, §1004, 98 Stat. 2138; Nov. 10, 1986, Pub. L. 99-646, §87(c)(4), 100 Stat. 3623; Nov. 14, 1986, Pub. L. 99-654, §3(a)(4), 100 Stat. 3663; Nov. 18, 1988, Pub. L. 100-690, title VII, §7025, 102 Stat. 4397; Sept. 13, 1994, Pub. L. 103-322, title VI, §60003(a)(4), 108 Stat. 1969.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 452, 454, 567 (Mar. 4, 1909, ch. 321, §§ 273, 275, 330, 35 Stat. 1143, 1152).

Section consolidates the punishment provision of sections 454 and 567 of title 18, U.S.C., 1940 ed., with section 452 of title 18, U.S.C., 1940 ed.

The provision of said section 454 for the death penalty for first degree murder was consolidated with section 567 of said title 18, by adding the words “unless the jury qualifies its verdict by adding thereto ‘without capital punishment’ in which event he shall be sentenced to imprisonment for life”.

The punishment for second degree murder was changed and the phrase “for any term of years or for life” was substituted for the words “not less than ten years and may be imprisoned for life”. This change conforms to a uniform policy of omitting the minimum punishment.

Said section 567 was not included in section 2031 of this title since the rewritten punishment provision for rape removes the necessity for a qualified verdict.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 amended second par. generally. Prior to amendment, second par. read as follows: “Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto ‘without capital punishment’, in which event he shall be sentenced to imprisonment for life;”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “arson”.

1986—Subsec. (a). Pub. L. 99-646 and Pub. L. 99-654 amended subsec. (a) identically, substituting “aggravated sexual abuse or sexual abuse” for “, rape”.

1984—Subsec. (a). Pub. L. 98-473 inserted “escape, murder, kidnapping, treason, espionage, sabotage,” after “arson”.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section punishable as provided herein, see section 46506 of Title 49, Transportation.

Assault with intent to murder, see section 113 of this title.

Bank robbery, murder in committing, see section 2113 of this title.

High seas, citizen committing murder as pirate, see section 1652 of this title.

Indian country—

Jurisdiction of offenses committed by Indians, see section 3242 of this title.

Law governing offenses, see section 1153 of this title.

Limitations, capital offenses, see section 3281 of this title.

Mailing matter of character tending to incite murder, see section 1461 of this title.

Railroads, entering train to commit murder, see section 1991 of this title.

Sentences, see section 3551 of this title.

Venue, see section 3236 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 36, 115, 351, 924, 930, 1114, 1116, 1117, 1118, 1119, 1120, 1121, 1503, 1512, 1513, 1751, 2332, 3559, 5032 of this title; title 7 section 2146; title 15 section 1825; title 21 sections 461, 675, 1041; title 42 section 2283; title 49 section 46506.

§ 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Sept. 13, 1994, Pub. L. 103-322, title XXXII, § 320102, title XXXIII, § 330016(1)(H), 108 Stat. 2109, 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 453, 454 (Mar. 4, 1909, ch. 321, §§ 274, 275, 35 Stat. 1143).

Section consolidates punishment provisions of sections 453 and 454 of title 18, U.S.C., 1940 ed.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 this title.

Minor changes were made in phraseology.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322, § 320102(3), substituted “six years” for “three years” in last par.

Pub. L. 103-322, §§ 320102(2), 330016(1)(H), amended subsec. (b) identically, substituting “fined under this title” for “fined not more than \$1,000” in last par.

Pub. L. 103-322, § 320102(1)(B), which directed the amendment of subsec. (b) by inserting “, or both” after “years”, was executed by inserting the material after “years” in second par., which was the first place the word appeared in text, to reflect the probable intent of Congress.

Pub. L. 103-322, § 320102(1)(A), inserted “fined under this title or” after “shall be” in second par.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section punishable as provided herein, see section 46506 of Title 49, Transportation.

Indian country—

Jurisdiction of offenses committed by Indians, see section 3242 of this title.

Law governing offenses, see section 1153 of this title.

Venue, see section 3236 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351, 924, 930, 1114, 1116, 1119, 1120, 1503, 1512, 1513, 1751, 2332, 3559 of this title; title 15 section 1825; title 21 section 1041; title 42 section 2283; title 49 section 46506.

§ 1113. Attempt to commit murder or manslaughter

Except as provided in section 113 of this title, whoever, within the special maritime and territorial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Nov. 18, 1988, Pub. L. 100-690, title VII, § 7058(c), 102 Stat. 4403; Nov. 29, 1990, Pub. L. 101-647, title XXXV, § 3534, 104 Stat. 4925.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 456 (Mar. 4, 1909, ch. 321, § 277, 35 Stat. 1143).

Words “within the special maritime and territorial jurisdiction of the United States” were added in view of definitive section 7 of this title, and section was rearranged to more clearly express intent of existing law.

Mandatory punishment provision was rephrased in the alternative.

AMENDMENTS

1990—Pub. L. 101-647 struck out final period at end.

1988—Pub. L. 100-690 substituted “shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both.” for “shall be fined not more than \$1,000 or imprisoned not more than three years, or both”.

CROSS REFERENCES

Actions aboard aircraft in special aircraft jurisdiction of United States in violation of this section pun-

ishable as provided herein, see section 46506 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115, 930, 1116, 1119, 5032 of this title; title 49 section 46506.

§ 1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the Secret Service or of the Drug Enforcement Administration, any officer or member of the United States Capitol Police, any member of the Coast Guard, any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions, any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands or any other commonwealth, territory, or possession of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Education, the Department of Health and Human Services, the Consumer Product Safety Commission, Interstate Commerce Commission, the Department of Commerce, or of the Department of Labor or of the Department of the Interior or of the Department of Agriculture assigned to perform investiga-

tive, inspection, or law enforcement functions, or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions, or any officer or employee of the Department of Veterans Affairs assigned to perform investigative or law enforcement functions, or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section, any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Housing Finance Board, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration, or any other officer or employee of the United States or any agency thereof designated for coverage under this section in regulations issued by the Attorney General engaged in or on account of the performance of his official duties, or any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with sections 3711 and 3716-3718 of title 31 or other statutory authority shall be punished, in the case of murder, as provided under section 1111, or, in the case of manslaughter, as provided under section 1112,¹ except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

(June 25, 1948, ch. 645, 62 Stat. 756; May 24, 1949, ch. 139, § 24, 63 Stat. 93; Oct. 31, 1951, ch. 655, § 28, 65 Stat. 721; June 27, 1952, ch. 477, title IV, § 402(c), 66 Stat. 276; July 29, 1958, Pub. L. 85-568, title III, § 304(d), 72 Stat. 434; July 2, 1962, Pub. L. 87-518, § 10, 76 Stat. 132; Aug. 27, 1964, Pub. L. 88-493, § 3, 78 Stat. 610; July 15, 1965, Pub. L. 89-74, § 8(b), 79 Stat. 234; Aug. 2, 1968, Pub. L. 90-449, § 2, 82 Stat. 611; Aug. 12, 1970, Pub. L. 91-375, § 6(j)(9), 84 Stat. 777; Oct. 27, 1970, Pub. L. 91-513, title II, § 701(i)(1), 84 Stat. 1282; Dec. 29, 1970, Pub. L. 91-596, § 17(h)(1), 84 Stat. 1607; Oct. 26, 1974, Pub. L. 93-481, § 5, 88 Stat. 1456; May 11, 1976, Pub. L. 94-284, § 18, 90 Stat. 514; Oct. 21, 1976, Pub. L. 94-582, § 16, 90 Stat. 2883; Aug. 3, 1977, Pub. L. 95-87, title VII, § 704, 91 Stat. 520; Nov. 8, 1978, Pub. L. 95-616, § 3(j)(2), 92 Stat. 3112; Nov. 10, 1978, Pub. L. 95-630, title III, § 307, 92 Stat. 3677; July 1, 1980, Pub. L. 96-296, § 26(c), 94 Stat. 819; Oct. 17, 1980, Pub. L. 96-466, title VII, § 704, 94 Stat. 2216; Dec. 29, 1981, Pub. L. 97-143, § 1(b), 95 Stat. 1724; Sept. 13, 1982, Pub. L. 97-259, title I, § 128, 96 Stat. 1099; Oct. 25, 1982, Pub. L. 97-365, § 6, 96 Stat. 1752; Jan. 12, 1983, Pub. L. 97-452, § 2(b), 96 Stat. 2478; July 30, 1983, Pub. L. 98-63, title I, § 101, 97 Stat. 313; Oct. 12, 1984, Pub. L. 98-473, title II, § 1012, 98 Stat. 2142; Oct. 30, 1984, Pub. L. 98-557, § 17(c), 98 Stat. 2868; Nov. 18, 1988, Pub. L. 100-690, title VII, § 7026, 102 Stat. 4397; Aug. 9, 1989, Pub. L. 101-73, title IX, § 962(a)(6), 103 Stat. 502; Nov. 29, 1990, Pub. L. 101-647, title XII,

¹ So in original. The period probably should be a comma.

§ 1205(h), title XVI, § 1606, title XXXV, § 3535, 104 Stat. 4831, 4843, 4925; June 13, 1991, Pub. L. 102-54, § 13(f)(2), 105 Stat. 275; Sept. 3, 1992, Pub. L. 102-365, § 6, 106 Stat. 975; Sept. 13, 1994, Pub. L. 103-322, title VI, § 60007, title XXXIII, §§ 330009(c), 330011(g), 108 Stat. 1971, 2143, 2145.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., § 253 (May 18, 1934, ch. 299, § 1, 48 Stat. 780; Feb. 8, 1936, ch. 40, 49 Stat. 1105; June 26, 1936, ch. 830, title I, § 3, 49 Stat. 1940; Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 13, 1940, ch. 359, 54 Stat. 391).

The section was extended to include United States judges, attorneys and their assistants, and officers of Federal, penal and correctional institutions in view of the obvious desirability of such protective legislation.

Employees of the Bureau of Animal Industry have been included in this section to complete the revision of section 118 of title 18, U.S.C., 1940 ed., which was consolidated with the assault provisions of section 254 of said title 18 and is now section 111 of this title. There seemed no sound reason for including such officers in the protection against assaults but excluding them from the homicide sections.

For like reasons the section was broadened to include officers or employees of the Secret Service or of the Bureau of Narcotics.

Changes in phraseology were made.

1949 ACT

This section [section 24] amends section 1114 of title 18, U.S.C., to conform more closely with the original statute from which it was derived.

REFERENCES IN TEXT

Executive Order 12333, referred to in text, is set out under section 401 of Title 50, War and National Defense.

CODIFICATION

Section 704 of Pub. L. 95-87, in addition to amending this section, enacted section 1294 of Title 30, Mineral Lands and Mining.

AMENDMENTS

1994—Pub. L. 103-322, § 330011(g), repealed Pub. L. 101-647, § 1606. See 1990 Amendment notes below.

Pub. L. 103-322, § 330009(c), substituted “or any other officer or employee of the United States or any agency thereof” for “or any other officer, agency, or employee of the United States”.

Pub. L. 103-322, § 60007, substituted “punished, in the case of murder, as provided under section 1111, or, in the case of manslaughter, as provided under section 1112,” for “punished as provided under sections 1111 and 1112 of this title.”

1992—Pub. L. 102-365 inserted “any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions,” after “any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions.”

1991—Pub. L. 102-54 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1990—Pub. L. 101-647, § 3535(3), which directed amendment of section by striking out “the Federal Savings and Loan Insurance Corporation,” could not be executed because that language had been struck out by Pub. L. 101-73. See 1989 Amendment note below.

Pub. L. 101-647, § 1606(3), which amended this section identically to amendment by Pub. L. 101-647, § 3535(3), was repealed by Pub. L. 103-322, § 330011(g). See above.

Pub. L. 101-647, § 3535(1), (2), substituted “Secret Service” for “secret service” and “any officer or employee of the Department of Education, the Department of Health and Human Services,” for “any officer or em-

ployee of the Department of Health, Education, and Welfare.”

Pub. L. 101-647, § 1606(1), (2), which amended this section identically to amendment by Pub. L. 101-647, § 3535(1), (2), was repealed by Pub. L. 103-322, § 330011(g). See above.

Pub. L. 101-647, § 1205(h), inserted “or any other commonwealth, territory, or possession” after “the Virgin Islands”.

1989—Pub. L. 101-73 struck out “the Federal Savings and Loan Insurance Corporation,” after “Federal Deposit Insurance Corporation,” and substituted “the Office of Thrift Supervision, the Federal Housing Finance Board, the Resolution Trust Corporation” for “the Federal Home Loan Bank Board”.

1988—Pub. L. 100-690 struck out second comma after “terms of this section”.

1984—Pub. L. 98-557 substituted reference to Coast Guard member, and Coast Guard employee assigned to perform investigative, inspection or law enforcement functions, for reference to any officer or enlisted man of the Coast Guard.

Pub. L. 98-473 inserted “or attempts to kill” after “Whoever kills”, substituted “or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section,” for “while engaged in the performance of his official duties or on account of the performance of his official duties”, inserted “, or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General”, and inserted “, except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years”.

1983—Pub. L. 98-63 inserted “any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions,” after “National Park Service.”

1983—Pub. L. 97-452 substituted “sections 3711 and 3716-3718 of title 31” for “the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.)”.

1982—Pub. L. 97-365 struck out “or” before “any attorney, liquidator, examiner, claim agent” and inserted “, or any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) or other statutory authority” before “shall be punished”.

Pub. L. 97-259 inserted “or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions,” after “or law enforcement functions.”

1981—Pub. L. 97-143 inserted “any officer or member of the United States Capitol Police,” after “Drug Enforcement Administration.”

1980—Pub. L. 96-466 inserted “or any officer or employee of the Veterans’ Administration assigned to perform investigative or law enforcement functions,” after “of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions.”

Pub. L. 96-296 inserted “Interstate Commerce Commission,” after “Consumer Product Safety Commission.”

1978—Pub. L. 95-630 inserted “or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration engaged in or on account of the performance of his official duties” before “shall be punished”.

Pub. L. 95-616 inserted “the Department of Commerce,”

1977—Pub. L. 95-87 inserted “or of the Department of the Interior” after “or of the Department of Labor”.

1976—Pub. L. 94-582 struck out “any employee of the Bureau of Animal Industry of the Department of Agriculture,” after “the field service of the Bureau of Land Management,” and inserted “or of the Department of Agriculture” after “or of the Department of Labor”.

Pub. L. 94-284 inserted “, the Consumer Product Safety Commission,” after “Department of Health, Education, and Welfare”.

1974—Pub. L. 93-481 substituted “Drug Enforcement Administration” for “Bureau of Narcotics and Dangerous Drugs”.

1970—Pub. L. 91-596 substituted “or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions”, for “designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act”.

Pub. L. 91-513 substituted “Bureau of Narcotics and Dangerous Drugs” for “Bureau of Narcotics”.

Pub. L. 91-375 substituted “officer or employee of the Postal Service”, for “postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department” after “Department of Justice.”.

1968—Pub. L. 90-449 substituted “any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department” for “any post-office inspector”.

1965—Pub. L. 89-74 included any officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare to conduct investigations or inspections under the Federal Food, Drug, and Cosmetic Act.

1964—Pub. L. 88-493 inserted “or any security officer of the Department of State or the Foreign Service”.

1962—Pub. L. 87-518 included employees of the Department of Agriculture performing any function connected with any Federal or State program, or program of Puerto Rico, Guam, the Virgin Islands, or the District of Columbia, for control, eradication, or prevention of animal diseases.

1958—Pub. L. 85-568 included officers and employees of the National Aeronautics and Space Administration.

1952—Act June 27, 1952, substituted “any immigration officers” for “any immigrant inspector or any immigration patrol inspector”.

1951—Act Oct. 31, 1951, substituted “the field service of the Bureau of Land Management” for “the field service of the Division of Grazing of the Department of the Interior”.

1949—Act May 24, 1949, inserted “any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties”.

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(g) of Pub. L. 103-322 provided that the amendment made by that section is effective as of Nov. 29, 1990.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(g) of Pub. L. 103-322 provided that the amendment made by that section is effective as of Nov. 29, 1990.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(g)(3) of Pub. L. 96-466 provided in part that the amendment made by section 704 of Pub. L. 96-466 is effective Oct. 17, 1980.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-630 effective on expiration of 120 days after Nov. 10, 1978, see section 2101 of Pub.

L. 95-630, set out as an Effective Date note under section 375b of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-74 effective July 15, 1965, see section 11 of Pub. L. 89-74.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a note under section 321 of Title 21, Food and Drugs.

TRANSFER OF FUNCTIONS

Functions of all officers of Department of Justice and functions of all agencies and employees of such Department transferred, with a few exceptions, to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees. United States Attorneys, Assistant United States Attorneys, United States marshals, and deputy marshals, referred to in this section, are officers within the Department of Justice, the Federal Bureau of Investigation, also referred to in this section, is a bureau of such Department, and officers and employees of United States penal or correctional institutions and immigration officials, also referred to in the section, are officers and employees within such Department.

Bureau of Narcotics and Dangerous Drugs, including office of Director thereof, in Department of Justice abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in Department of Justice a single, comprehensive agency for enforcement of drug laws to be known as Drug Enforcement Administration, empowered Attorney General to authorize performance by officers, employees, and agencies of Department of functions transferred to him, and directed Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between Drug Enforcement Administration, Federal Bureau of Investigation, and other units of Department of Justice involved in drug law enforcement.

Coast Guard transferred to Department of Transportation and all functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created Department of Transportation. See section 108 of Title 49, Transportation.

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of

his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Secret Service is an agency in Department of the Treasury and customs and internal revenue officials, referred to in this section, are officials in such Department.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of such Department transferred, with two exceptions, to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. Officers and employees of National Park Service, and of Indian field service, referred to in this section, are officers and employees of Department of the Interior.

LIFE IMPRISONMENT OR LESSER TERM FOR KILLING PERSON IN PERFORMANCE OF INVESTIGATIVE, INSPECTION, OR LAW ENFORCEMENT FUNCTIONS

Section 17(h)(2) of Pub. L. 91-596 provided that: "Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111 shall be punished by imprisonment for any term of years or for life."

IMMUNITY FROM CRIMINAL PROSECUTION

Section 5 of Pub. L. 88-493 which provided that nothing in Pub. L. 88-493, which amended this section and section 112 of this title, and enacted former section 170e-1 of Title 5, Government Organization and Employees, shall create immunity from criminal prosecution under the laws of any State, territory, possession, Puerto Rico, or the District of Columbia, is set out as a note under section 112 of this title.

CROSS REFERENCES

Assaulting, resisting, or impeding officers or employees designated in this section, see section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 115, 1117, 1201, 2339A of this title; title 7 sections 84, 87c, 2146; title 16 section 742f; title 19 section 1629; title 21 sections 461, 675; title 25 section 2804; title 42 section 2000e-13.

§ 1115. Misconduct or neglect of ship officers

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect,

connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 757; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(L), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 461 (Mar. 4, 1909, ch. 321, § 282, 35 Stat. 1144).

Section restores the intent of the original enactments, R.S. § 5344, and act Mar. 3, 1905, ch. 1454, § 5, 33 Stat. 1025, and makes this section one of general application. In the Criminal Code of 1909, by placing it in chapter 11, limited to places within the special maritime and territorial jurisdiction of the United States, such original intent was inadvertently lost as indicated by the entire absence of report or comment on such limitation.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000" in two places.

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that.¹

(b) For the purposes of this section:

(1) "Family" includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

(2) "Foreign government" means the government of a foreign country, irrespective of recognition by the United States.

(3) "Foreign official" means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) "Internationally protected person" means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

¹ So in original. The phrase "except that" preceding the period probably should not appear.

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

(5) “International organization” means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

(6) “Official guest” means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

(c) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 94-467, §2, Oct. 8, 1976, 90 Stat. 1286; Pub. L. 95-504, §2(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, §2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 97-351, §3, Oct. 18, 1982, 96 Stat. 1666; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title VI, §60003(a)(5), title XXXIII, §330006, Sept. 13, 1994, 108 Stat. 1969, 2142.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, §330006, which directed the striking of “, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years” before period at end, was executed by striking text which did not include “, and”, to reflect the probable intent of Congress and the prior amendment by Pub. L. 103-322, §60003(a)(5). See below.

Pub. L. 103-322, §60003(a)(5), struck out “any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and” after “title, except that”.

Subsec. (c). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1982—Subsec. (b)(5). Pub. L. 97-351 inserted provision relating to a public organization created pursuant to treaty or other agreement under international law as

an instrument through or by which two or more foreign governments engage in some aspect of their conduct of foreign affairs.

1978—Subsec. (c). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (c). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Catchline. Pub. L. 94-467 substituted “official guests, or internationally protected persons” for “or official guests”.

Subsec. (a). Pub. L. 94-467 inserted reference to internationally protected persons, section 1113 of this title, and the punishment for a person convicted of attempted murder.

Subsec. (b). Pub. L. 94-467 designated existing provision, relating to definition of “foreign official” as par. (3)(A), (B), and added pars. (1), (2), (4), (5) and (6).

Subsec. (c). Pub. L. 94-467 substituted provision permitting the United States to exercise jurisdiction over an offense if the victim is an internationally protected person and the alleged offender is present within the United States for provision which defined “foreign government”, “international organization”, “family”, and “official guest”.

Subsec. (d). Pub. L. 94-467 added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11, 112, 878, 970, 1117, 1201, 2333, 2339A, 3286, 3592 of this title; title 8 section 1182.

§ 1117. Conspiracy to murder

If two or more persons conspire to violate section 1111, 1114, 1116, or 1119 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(Added Pub. L. 92-539, title I, §101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 103-322, title VI, §60009(b)(1), Sept. 13, 1994, 108 Stat. 1972.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “1116, or 1119” for “or 1116”.

§ 1118.¹ Murder by a Federal prisoner

(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

(b) DEFINITIONS.—In this section—

“Federal correctional institution” means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

“murder” means a first degree or second degree murder (as defined in section 1111).

“term of life imprisonment” means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.

(Added Pub. L. 103-322, title VI, §60005(a), Sept. 13, 1994, 108 Stat. 1970.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1120, 3592 of this title.

¹ Another section 1118 is set out after section 1121.

§ 1119. Foreign murder of United States nationals

(a) DEFINITION.—In this section, “national of the United States” has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person’s return. A determination by the Attorney General under this paragraph is not subject to judicial review.

(Added Pub. L. 103-322, title VI, §60009(a), Sept. 13, 1994, 108 Stat. 1972.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1117 of this title.

§ 1120. Murder by escaped prisoners

(a) DEFINITION.—In this section, “Federal prison” and “term of life imprisonment” have the meanings stated in section 1118.¹

(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.

(Added Pub. L. 103-322, title VI, §60012(a), Sept. 13, 1994, 108 Stat. 1973.)

REFERENCES IN TEXT

Section 1118, referred to in subsec. (a), probably means the section 1118 of this title which was added by section 60005(a) of Pub. L. 103-322.

§ 1121. Killing persons aiding Federal investigations or State correctional officers

(a) Whoever intentionally kills—

(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

(A) while the victim is engaged in the performance of official duties;

(B) because of the performance of the victim’s official duties; or

(C) because of the victim’s status as a public servant; or

(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111, including by sentence of death or by imprisonment for life.

(b)(1) Whoever, in a circumstance described in paragraph (3) of this subsection, while incarcerated, intentionally kills any State correctional officer engaged in, or on account of the performance of such officer’s official duties, shall be sentenced to a term of imprisonment which shall not be less than 20 years, and may be sentenced to life imprisonment or death.

(2) As used in this section, the term, “State correctional officer” includes any officer or employee of any prison, jail, or other detention facility, operated by, or under contract to, either a State or local governmental agency, whose job responsibilities include providing for the custody of incarcerated individuals.

(3) The circumstance referred to in paragraph (1) is that—

(A) the correctional officer is engaged in transporting the incarcerated person interstate; or

(B) the incarcerated person is incarcerated pursuant to a conviction for an offense against the United States.

(Added Pub. L. 103-322, title VI, §60015(a), Sept. 13, 1994, 108 Stat. 1974.)

§ 1118.¹ Protection against the human immunodeficiency virus

(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids for use by another, except as determined necessary for medical research or testing, shall be fined or imprisoned in accordance with subsection (c).

(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than \$10,000 nor more than \$20,000, imprisoned for not less than 1 year nor more than 10 years, or both.

(Added Pub. L. 103-333, title V, §514, Sept. 30, 1994, 108 Stat. 2574.)

CHAPTER 53—INDIANS

Sec.

1151. Indian country defined.

1152. Laws governing.

1153. Offenses committed within Indian country.

1154. Intoxicants dispensed in Indian country.

1155. Intoxicants dispensed on school site.

1156. Intoxicants possessed unlawfully.

[1157. Repealed.]

1158. Counterfeiting Indian Arts and Crafts Board trade mark.

1159. Misrepresentation of Indian produced goods and products.

¹ See References in Text note below.

¹ Another section 1118 is set out preceding section 1119.